

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)¹

Michael T. Olexa and Ian Goldfarb²

What is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)?

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regulates the sale, use, disposal, and handling of pesticides.

Pesticide is broadly defined by the statute as any substance or mixture of substances intended to regulate, prevent, destroy, repel, or mitigate any pest or plant. Nitrogen stabilizers may be exempt from FIFRA if they are distributed and sold solely to prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria and for no other pesticidal purposes and meet some additional criteria.

Pest is defined by the statute as any insect, rodent, nematode, fungus, weed, or any other terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism not living on a human or other animal declared by the Environmental Protection Agency (EPA) to be a pest.

Will my crop nutrients, fertilizers, and inoculants fall under FIFRA?

If your crop nutrients, fertilizers, or inoculants fall into one of the following four categories, it will not require adherence to FIFRA because it is specifically excluded from FIFRA as *not a pesticide*:

1. Fertilizers not including the use of a pesticide
2. A plant nutrient product consisting of one or more macronutrients or micronutrient trace

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2. Michael T. Olexa, professor, Food and Resource Economics Department; director, Center for Agricultural and Natural Resource Law, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL; and member, Florida Bar and Agricultural Law Committee of the Florida Bar; and Ian Goldfarb, graduate student, Levin College of Law and Hough Graduate School of Business, University of Florida, Gainesville, FL.

elements necessary to normal growth of plants and in a form readily usable by plants

3. A plant inoculant product consisting of microorganisms applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system
4. A soil amendment product containing a substance or substances added to the soil for the purpose of improving soil character

Who enforces FIFRA?

FIFRA is administered by EPA, but the statute specifies that states are to have primary enforcement responsibility if they demonstrate to EPA that they have adopted adequate regulations and enforcement mechanisms. Florida has entered into several cooperative agreements with EPA and is responsible for testing and training permit applicants. EPA now has only a supervisory position over those aspects. However, EPA's central office still

- regulates the registration of pesticides'
- monitors pesticide producers;
- imposes civil and injunctive remedies to quell violations.

What are the important requirements of FIFRA?

The statute requires that all pesticides be registered with EPA before they may be sold or used. EPA may cancel a pesticide's registration if the manufacturer fails to have it re-registered, or if EPA later determines the pesticide to be harmful.

One of the most significant aspects of FIFRA is labeling requirements. Under FIFRA, pesticides must be labeled with all of the following:

- ingredients
- uses
- EPA registration number
- any necessary warnings or restrictions

- usage instructions
- disposal information

It is a violation of FIFRA to use or dispose of a pesticide in a manner inconsistent with its labeling. In fact, the labeling requirements form the primary source for pesticide liability. This liability is not restricted to just FIFRA. Misapplying a pesticide might also leave you open to liability under RCRA (Resource Conservation and Recovery Act), and CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) may require you to fix any damage caused by previous misapplications.

States may impose additional conditions on pesticide use where special problems related to their use are encountered.

What are the general categories for FIFRA permits?

The general categories for FIFRA permits are *general-use pesticides*, *restricted-use pesticides*, and *experimental-use pesticides*.

General-use pesticides may be applied by anyone and no permit is required, although the user must still comply with labeling requirements and other regulations.

Restricted-use pesticides may be applied only by the following two types of applicators (or by persons working under their direct supervision):

1. Private applicators who apply pesticides when producing an agricultural commodity on their own land or on land under their control
2. Commercial applicators who are required to have permits to apply pesticides to other people's land in exchange for a fee

Experimental-use pesticides are unregistered pesticides that may only be applied by those who obtain an experimental use permit. These persons are usually manufacturers or researchers who test an unregistered pesticide to gather data to support its registration.

Applicators in each category are subject to separate testing and certification procedures and may be subject to different penalties for violations.

What are the disposal requirements under FIFRA?

You should dispose of pesticides in the manner specified on its labeling and as provided by state law (federal requirements summarized below).

What methods of disposal are allowed under FIFRA?

You may dispose of pesticides in the following ways:

- by burying them in a state landfill specially designated for that type of pesticide
- by using a state-approved method for chemical deactivation of the pesticide to make it environmentally safe
- by following the state guidelines for disposal of the pesticide

What methods of disposal are prohibited under FIFRA?

You may not dispose of pesticides or pesticide containers:

- in a manner inconsistent with the labeling
- in a manner violating state law
- in a manner that causes pesticides to be openly dumped
- by burning (with the exceptions noted below)
- by placing them in any body of water

How may I dispose of pesticide containers under FIFRA?

Pesticide containers that are not disposed of properly are a source of nonpoint source pollution. The label on each pesticide container will have disposal instructions. You must dispose of the

container in a manner consistent with these instructions.

All products intended for *household use* will have one of the following container disposal instructions:

- If the container is *nonpressurized* (e.g., a bottle, can, jar or bag) *and empty*, place it in the trash or offer for recycling if a recycling program is available in your area.
- If the container is *nonpressurized and partly filled*, call your local solid waste agency or 1-800-CLEANUP for disposal instructions.
- If the container is *pressurized and empty*, recap it and place it in the trash or offer it for recycling if a recycling program is available in your area.
- If the container is *pressurized and partly filled*, call your local solid waste agency or 1-800-CLEANUP for disposal instructions.

Note that previous regulatory instructions to rinse the containers and/or wrap in newspaper have been changed. These practices are no longer recommended for household products.

Products *not intended for household use* will have the following container disposal instructions:

- *If the container is metal*, it must be disposed of in one of two ways:
 1. Pressure or triple rinsed, punctured, and offered for recycling
 2. Pressure or triple rinsed, punctured, and disposed of in a landfill
- *If the container is plastic*, it must be disposed of in one of three ways:
 1. Pressure or triple rinsed, punctured, conditioned (by removing labels and sleeves, removing caps and handles not made of high density polyethylene [HDPE] and cleaning the exterior), and offered for recycling
 2. Pressure or triple rinsed, punctured, and disposed of in a landfill, or pressure or triple rinsed and incinerated

3. Pressure or triple rinsed and burned

- *If the container is glass* it must be disposed of in one of two ways by being:

1. Pressure or triple rinsed and offered for recycling
2. Pressure or triple rinsed and disposed of in a landfill

- *If the container is a paper or plastic bag*, the contents must be completely emptied into the pesticide application equipment. The bag must be disposed of in one of three ways:

1. Disposed of in a landfill.
2. Incinerated.
3. Burned.

State of Florida burning requirements for pesticides are covered in [FE775](#).

There is a national pesticide container recycling program supported by the agrichemical industry. Pesticide container collection sites currently exist in 22 counties in Florida. You can learn more about this program by contacting the Nonpoint Source Management Program at the Florida Department of Environmental Protection ([FE786](#)).

What are the penalties under FIFRA?

Failure to follow the labeling instructions may subject you to fines under FIFRA as well as other statutes, such as FDA (Food, Drug, and Cosmetic Act); RCRA (Resource Conservation and Recovery Act); OSHA (Occupational Safety and Health Act); etc. Therefore, you should be very careful to comply with the usage and disposal information on the pesticide labeling to avoid severe sanctions.

Under FIFRA there are two basic categories of offenders for the assessment of penalties: *commercial applicators* and *private applicators*.

Commercial applicators, including wholesalers, dealers, retailers or distributors, who violate FIFRA,

the labeling instructions, or their permit restrictions are subject to these penalties:

- civil fines up to \$6,500 per offense
- criminal penalties up to \$25,000 and one year in prison for knowing or intentional violations

Private applicators who violate FIFRA, the labeling instructions, or their permit restrictions are subject to these penalties:

- a written warning for first time violations
- a civil fine up to \$650 per offense for first time violations
- a civil fine up to \$1,200 per offense for subsequent violations
- criminal fines up to \$1,200 per offense and 30 days in prison for knowing or intentional violations

Applicators may also be assessed penalties for violations committed by people working under their direct supervision.

What is the Worker Protection Standard and does it apply to my workers?

The Worker Protection Standard (WPS) protects employees on farms, forests, nurseries, and greenhouses from exposure to agricultural pesticides while on the job. Specifically, two types of employees are covered:

1. *Pesticide handlers* – workers who mix, load, or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides in any way
2. *Agricultural workers* – workers who cultivate and harvest plants on farms or in greenhouses, nurseries, or forests; anyone employed in tasks related to the production of agricultural plants on an agricultural establishment for any type of compensation, including self-employed (tasks such as carrying nursery stock and repotting or watering plants count while office employees, truck drivers, mechanics, and any other workers

not engaged in worker or handler activities do not count)

What is required of me under the Worker Protection Standard?

The current Worker Protection Standard requirements are as follows:

- Worker protection – Owners/applicators are prohibited from exposing workers or others to pesticides; this includes excluding workers from areas while pesticides are being applied.
- All restricted-entry intervals – Owners/applicators have a duty to ensure that an area is labeled as restricted during certain intervals when it may pose a danger due to pesticide exposure. Workers are excluded from entering a pesticide-treated area during the restricted-entry interval, with only narrow exceptions.
- Personal protective equipment – Owners/applicators must provide and maintain personal protective equipment for handlers and early-entry workers.
- Decontamination supplies – Owners/applicators must have an ample supply of water, soap, and towels for routine washing, and an emergency decontamination area for workers.
- Emergency assistance – Owners/applicators must make transportation available to transport workers or handlers to an emergency health facility if they have been exposed.
- Pesticide safety training – Owners/applicators must provide training for all workers and handlers, and a pesticide safety poster must be displayed.

These restrictions change all the time and new safety requirements are imposed as they become necessary. For instance, workers, handlers, and pilots using pesticides were not required to wear gloves until 2004.